



ZONING BOARD OF ADJUSTMENT

Draft Minutes

September 8, 2020 - 7:30 pm @ Community Development Department

Physical Location: 3 North Lowell Road (Community Development Department)

Live Broadcast: WCTV Channel 20 – Local Cable TV

Live Stream: <http://www.wctv21.com/>

Attendance:

Chairman Mike Scholz- present (via Zoom)

Vice Chair Bruce Breton- excused

Pam Skinner, Secretary- excused

Neelima Gogumalla, regular member- present at Community Development

Nick Shea, regular member- present at Community Development

Betty Dunn, alternate- excused

Kevin Hughes, alternate- excused

(attendance taken by roll call vote)

Staff:

Brian Arsenault- ZBA Administrator/ Code Enforcement

Anitra Lincicum- minute taker

Chairman Scholz read the following statement:

“As Chair of the ZBA, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, the public body is authorized to meet electronically. Please note that all votes that are taken during the meeting shall be done by roll call vote only.

Let’s start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during the meeting, which is required under the Right-to-Know law.”

Public Hearing

Case #23-2020: Parcel 16-D-201

(Continued from August 25, 2020)

Applicant – Edward N. Herbert Associates, Inc.

Owner – Indian Rock Development, LLC

Location – 10 Enterprise Drive

Zoning District - Residential A District, Rural District, Wetland & Watershed Protection District (WWPD), Cobbetts Pond & Canobie Lake Watershed Protection Overlay District (WPOD)

Variance relief is requested to develop a five-lot subdivision for new single-family dwellings to be located on a private road from the following Section(s) 702 & Appendix A-1 to allow 0’ of frontage on a Class V road, shown as Road “A” where 175’ is required on a public road.

Chairman Scholz asked if the applicant wanted to continue the case. Mr. Shayne Gendron from Edward N. Hebert addressed the Board and is representing the applicant. Mr. Gendron was not able to go in front of the Planning Board at the last hearing as he did not have a variance from this Board since the Board continued the case to consult with the town's attorney. Mr. Gendron stated he would like the benefit of a full Board for the case to be heard. Mr. Gendron will not be able to go before the Planning Board before September 22nd. Mr. Shea asked if the Board could check on the availability of the members to hear the case next week.

Chairman Scholz called a brief recess at 7:40pm.

Chairman Scholz stated there would be a full 5-member Board next Tuesday if needed for a meeting.

A motion was made by Mr. Shea to continue Case #23-2020 to the first case on September 15th, 2020. Seconded by Ms. Gogumalla. Roll call vote: Ms. Gogumalla, Mr. Shea, and Chairman Scholz- yes. Vote 3-0. Motion passes.

Case #11-2020: Parcel 12-A-500

Applicant - New Hampshire Catholic Charities

Owner – New Hampshire Catholic Charities

Location – 21 Searles Road

**Zoning District - Rural District and Cobbetts Pond & Canobie Lake
Watershed Protection Overlay District (WPOD)**

Variance relief is requested from **Section(s) 706.4 and 706.8** to allow five signs to be installed. Specifically from **Sec. 706.4 and Sec. 706.8**: To allow a building wall sign to be erected 8.1 sf, where the dimensions of signs total 3 sf is required. And four freestanding entrance signs, with one being double sided, to be erected larger (43.3 sf) than the dimensions of signs total 3 sf is required, installed 8' in height, where 6' is required, with no front lot line setback, where 10' is required, along Searles Road in front of the historic recognized stonewall.

Attorney Dan Muller from Cronin, Bisson and Zalinsky on behalf of Catholic Charities addressed the Board. Attorney Muller stated he would like to continue to next week to have a 5-member Board next week.

A motion was made by Mr. Shea to continue Case #11-2020 to September 15, 2020. Seconded by Ms. Gogumalla. Roll call vote: Ms. Gogumalla, Mr. Shea, and Chairman Scholz- yes. Vote 3-0. Motion passes.

Case #24-2020: Parcel 24-F-631

Applicant – Jared Hoole

Owner – Jared & Alisyn Hoole

Location – 53 Ryan Farm Road

Zoning District – Rural District

Variance Relief is requested from **Section(s) 702 & Appendix A-1 and 703.1**, to allow

94 construction of a 240 sf (12'x20') storage shed. Specifically from **Sec. 702 & Appendix A-1** to
95 allow a 10' rear yard setback, where 30' is required. **And from Sec. 703.1:** To allow a 240-sf
96 shed, where no more than 100 sf is allowed and a 10' rear yard setback, where a shed may be
97 placed no closer than 10' from the lot line in the rear yard is required.

98
99 Ms. Gogumalla read the case and the list of abutters into the record. There was no letter of
100 authorization as the applicant is representing himself.

101
102 Mr. Jared Hoole, the applicant, addressed the Board and stated he would like to install the shed
103 on his property. Mr. Hoole then read the 5 criteria into the record contained in the public packet.
104 Mr. Arsenault explained that the applicant did not wish to remove the mature trees from the
105 property and the mature trees were consistent with the use of the property. The applicant is
106 applying for a 10 by 20 foot shed on the property. The applicant has no other sheds on his
107 property. Mr. Arsenault stated that the application is very thorough and was put together by the
108 applicant himself. Mr. Arsenault stated that six of the neighbors are in support of the project and
109 all of those neighbors wrote letters in support of the project.

110
111 Ms. Gogumalla asked how close the shed was to the closest structure on the neighbor's property.
112 Mr. Hoole stated that there is a swing set about 50 to 60 feet from the neighbor's swing set. Mr.
113 Hoole stated that the shed is nowhere near the neighbor's house. Mr. Hoole stated this is the only
114 location where trees would not need to be cut down. The shed would have household vehicles
115 like lawnmowers and other materials according to the applicant. Mr. Hoole stated that some of
116 the shed is pre-made and will be brought to the location and assembled on site. The Board
117 mentioned doing two smaller sheds next to each other would not be advisable; it is not if for no
118 other reason than it would be more costly to the applicant even if it were more compliant with
119 the building allowances. Ms. Gogumalla read the letter from the Conservation Commission who
120 sees no issues with the plan at this time. Ms. Gogumalla read a letter of support contained in the
121 public packet from Ernie and Jennifer Makris. A similar letter was signed by Scott and Julie
122 Hayward, John and Lisa Tarabocchia, Brian and Kelly Fillion, and Adam and Carla Minsky.
123 Chairman Scholz asked if the applicant was comfortable conditioning that there could not be
124 more than one shed on the property. 12 by 20 is in the application and Chairman Scholz has
125 adjusted his application with the correct measurement.

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127 There was a 5-minute recess at 8:10pm to attempt to screenshare with the applicant so that he
128 could show pictures of the shed. The meeting resumed at 8:18pm.

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130 Mr. Hoole shared his screen to show the Board the mature trees and the stakes where the shed
131 would be located; Mr. Hoole showed the Board where he would like to place the shed on his
132 property.

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134 **A motion was made by Ms. Gogumalla to go into Deliberative session at 8:21pm. Seconded**
135 **by Mr. Shea. Roll call vote: Ms. Gogumalla, Mr. Shea, and Chairman Scholz- yes. Vote 3-0.**
136 **Motion passes.**

137
138 Chairman Scholz stated that the only relief required is 703.1.

Mr. Shea reviewed the variance criteria and he does not see it as contrary to any of the variance criteria as presented. Mr. Shea stated that he does think that the homeowner does need the shed for the use of his property.

A motion was made by Ms. Gogumalla for Case #24-202: Parcel 24-F-631 to grant relief from Sec. 703.1: To allow a 240-sf shed, where no more than 100 sf is allowed and a 10' rear yard setback, where a shed may be placed no closer than 10' from the lot line in the rear yard is required per plan dated August 11, 2020 and signed and dated by the Chair. Seconded by Mr. Shea. Roll call vote: Ms. Gogumalla, Mr. Shea, and Chairman Scholz- yes. Vote 3-0. Motion passes.

A motion was made by Ms. Gogumalla for Case #24-202: Parcel 24-F-631 that variance relief from Section 702 and Appendix A-1 is not required for this application. Seconded by Mr. Shea. Roll call vote: Ms. Gogumalla, Mr. Shea, and Chairman Scholz- yes. Vote 3-0. Motion passes.

Case #25-2020: Parcel 22-L-30

Applicant - Cronin, Bisson & Zalinsky, P.C.

Owner - David and Elena Richards

Location - 46 West Shore Road

Zoning District - Residential A District and Cobbetts Pond & Canobie Lake Watershed Protection Overlay District (WPOD)

Variance relief is requested from **Section 702 and Appendix A-1**: To allow construction of a new 1866 +/- sf two-bedroom single family dwelling (SFD) on a pre-existing non-conforming lot of record that contains 4,791 +/- sf of building area where a minimum land area of 50,000 sf is required. To allow the SFD a 11' southerly side yard setback and a 15' northerly side yard setback, where 30' is required. To allow the SFD a 28' rear yard setback, where 30' is required. To allow the SFD a 25' front yard setback from West Shore Road, where 50' is required. To allow 50' of frontage along West Shore Road, where 175' is required.

Mr. Dan Muller addressed the Board and is representing the applicant. Attorney Muller would like to continue the case to have a 5-member Board. The Board discussed that they also must determine if this is different than the previous application using the Fisher v. Dover test.

A motion was made by Mr. Shea to Case #25-2020 to September 15th, 2020. Shea. Seconded by Ms. Gogumalla. Roll call vote: Ms. Gogumalla, Mr. Shea, and Chairman Scholz- yes. Vote 3-0. Motion passes.

Chairman Scholz wished to apologize to the public as there was an election today, hence, they are having an meeting outside their regular meeting in order to hear cases with a full Board.

Public Meeting

Legislative/Staff Updates

Mr. Arsenault stated that they are considering a 3-day virtual annual conference and he will communicate the dates to the Board when he has more information.

188 **A motion was made by Ms. Gogumalla to adjourn at 8:38pm. Seconded by Mr. Shea. Roll**
189 **call vote: Ms. Gogumalla, Mr. Shea, and Chairman Scholz- yes. Vote 3-0. Motion passes.**
190
191 Respectfully submitted by Anitra Lincicum

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